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SUBJECT: PROSECUTOR GENERAL INVESTIGATES SEXUAL VIOLENCE
CRIMES IN CONFLICT

SUMMARY:

¶1. (U) The office of the Prosecutor General (Fiscalia) is investigating 183 cases of sexual abuses of women and girls allegedly committed by former paramilitaries, the FARC, and members of the military and police from 1993-2008. The United Nations High Commission on Human Rights (UNHCHR) highlighted the importance of promptly prosecuting the cases. UNHCHR and the Fiscalía agree that the use of sexual violence as a weapon in Colombia's conflict remains a problem, and underscored that many abuses go unreported. The Fiscalía reported that long delays by victims in reporting the crimes remained a key factor hindering prosecutions. UNHCHR said a lack of resources, weak investigative structures, and limited interagency coordination also contributed to the lack of progress. End Summary.

INVESTIGATION IN PROGRESS:

¶2. (U) Prosecutor General Mario Iguaran reported that the Fiscalía recently opened 183 criminal cases against members of former paramilitary groups, the FARC, the military, and the Colombian National Police for alleged sexual crimes committed against 500 women and girls between 1993-2008. Iguaran's action stemmed from an April 2008 Constitutional Court order mandating the investigation of sexual violence-related crimes against internally displaced persons. It identified 42 men allegedly involved in homicide and rape, including extradited paramilitary leaders Salvatore Mancuso and Rodrigo Tovar Pupo ("Jorge 40"). The two were accused of crimes stemming from the El Salado (Bolívar - February, 2000) and Chengue (Sucre - January, 2001) massacres.

3 (U) The Fiscalía is also investigating/prosecuting military and CNP involvement in 39 of the 183 cases. The Fiscalía said it has brought criminal proceedings against 29 security force personnel. Of the 29, 15 are indicted and will face trial, 14 have been accused and are awaiting sentence, and one has been convicted and is in jail.

UN SPOTLIGHTS SEXUAL VIOLENCE:

¶4. (U) The United Nations High Commission on Human Rights (UNHCHR) office in Colombia highlighted the importance of

investigating and prosecuting sexual violence crimes against women in the context of Colombia's conflict in a May 8 press release. The UNHCHR report on Colombia--released February 19--indicated that sexual violence in the conflict continued to present a "high level of impunity."

SEXUAL VIOLENCE AS A WEAPON OF WAR:

¶15. (U) The Fiscalía's report underscored a pattern of "the use of sexual violence as a weapon of war" and established the involvement of former paramilitaries in 134 cases, members of the security force (military and police) in 39 cases, and the FARC in 10 cases. Of the cases currently under investigation, 41 of the victims were minors and 24 indigenous; 27 were homicides. There are also eleven cases under investigation for sexual slavery and forced prostitution.

¶16. (U) The cases highlight that sexual violence by armed groups (former-paramilitaries and the FARC) was used as a tactic to exert territorial control--mostly in drug trafficking zones they were attempting to dominate. The Constitutional Court confirmed cases of sexual violence against women in several high profile massacres. In the El Salado case, women were reportedly forced to undress and dance in front of husbands or fathers who were later murdered. Several of the women were also raped. Information from one of the survivors helped the Fiscalía's Human Rights Unit build cases against Mancuso and "Jorge 40."

RESULTS SLOW TO COME:

¶17. (U) Iguaran told the media that the greatest difficulty for investigators was the "precariousness of the evidence." He said the process of gathering information from the victims was "painful," and that in many cases, the elapsed time between the alleged abuse and when it was reported prevented the gathering of DNA evidence. This was critical since victims reported most aggressors wore masks. The UNHCHR report also indicated that structural problems including lack of resources, inadequate investigative structures, and interagency coordination difficulties also affected the Fiscalía's investigation and prosecution efforts.

MANY ABUSES GO UNREPORTED:

¶18. (U) Patricia Hernandez, a Justice and Peace Law prosecutor, told us that social, psychological, and economic vulnerabilities conspired against many women and girls who would otherwise report sexual abuses. Sexual assaults were also likely underreported because institutional response remains inadequate. The GOC cannot guarantee protection of victims, particularly in the areas not yet under full government control. Hernandez said that the Social Protection Ministry reported that as many as one of every three displaced women has been sexually abused.

NICHOLS